

EXHIBIT K

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: NATIONAL FOOTBALL
LEAGUE PLAYERS' CONCUSSION
INJURY LITIGATION

Kevin Turner and Shawn Wooden,
*on behalf of themselves and
others similarly situated,*

Plaintiffs,

v.

National Football League and
NFL Properties LLC,
successor-in-interest to
NFL Properties, Inc.,

Defendants.

THIS DOCUMENT RELATES TO:
ALL ACTIONS

No. 2:12-md-02323-AB

MDL No. 2323

Hon. Anita B. Brody

Civ. Action No. 14-00029-AB

**DECLARATION OF JAMES R. DUGAN, II IN SUPPORT OF CO-LEAD CLASS
COUNSEL'S PETITION FOR AN AWARD OF ATTORNEY'S FEES AND
REIMBURSEMENT OF COSTS AND EXPENSES**

James R. Dugan, II declares as follows pursuant to 28 U.S.C. § 1746:

1. I am the owner of The Dugan Law Firm. I submit this declaration in support of Co-Lead Class Counsel's Petition for an Award of Attorney's Fees and Reimbursement of Costs and Expenses in connection with and for services rendered and expenses incurred for the common benefit of the Settlement Class in the above-captioned multidistrict litigation ("Action") from the inception of the litigation through July 15, 2016, as well as for the payment of expenses

incurred therewith. I have personal knowledge of the matters set forth in this declaration and, if called upon, I could and would testify competently thereto.

2. During the course of this litigation, The Dugan Law Firm was appointed to the Plaintiffs' Steering Committee and worked on every facet of this case including but not limited to the discovery, preemption and Riddell Committees.

3. The schedule attached hereto as Exhibit 1 is a detailed summary indicating the amount of common benefit time spent by the attorneys and professional support staff of my firm who were involved in this case and the lodestar calculation for those individuals based on my firm's current billing rates. For personnel who are no longer employed by my firm, the lodestar calculation is based on the billing rates of such personnel in their final year of employment by my firm. The schedule was prepared from contemporaneous daily time records regularly prepared and maintained by my firm. Time expended in preparing this application for attorney's fees and expenses has been excluded.

4. The hourly rates for the attorneys and professional support staff of my firm included in Exhibit 1 are the same as they charge for non-contingent work that is paid on an hourly basis, or for rates paid to attorneys of comparable experience and reputation in the relevant legal market. The hourly rates for my firm's partners, associate attorneys and professional support staff are the usual and customary hourly rates charged for these professionals' services in similar complex litigations and have been accepted as recently as September 29, 2016, in the Prograf case MDL 2242 USDC District of Massachusetts, Honorable Zobol presiding and by other federal courts in other class action cases prosecuted by my firm.

5. The total number of hours expended on the common benefit of this Action by my firm during the time period is 293.9 hours. The total lodestar for my firm for those hours is

\$188,340.50 consisting of \$795.00 for partner's time, \$695.00 for associate attorneys' time and \$395.00 for staff attorneys' time.

6. My firm's lodestar figures are based solely upon my firm's billing rates, which rates do not include charges for expense items. Expense items are billed separately and such charges are not duplicated in my firm's billing rates.

7. As detailed in Exhibit 2 hereto, my firm is seeking reimbursement of a total of \$118,880.16 in common benefit expenses incurred in connection with the prosecution of this Action. These expenses are reflected on the books and records of my firm. These books and records are prepared from expense vouchers, check records, and other source material, and are an accurate record of the expenses incurred.

8. With respect to the standing of my firm to share in an award of fees, costs, and expenses, attached hereto as Exhibit 3 is a biography of my firm.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 9, 2017, at New Orleans, Louisiana.

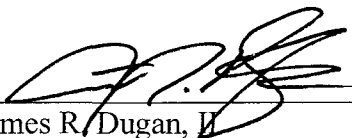

James R. Dugan, II

EXHIBIT 1

**IN RE: NATIONAL FOOTBALL LEAGUE PLAYERS' CONCUSSION INJURY
LITIGATION**

No. 12-md-2323-AB

The Dugan Law Firm

Exhibit 1

LODESTAR REPORT

Inception through July 15, 2016

NAME	HOURS	HOURLY RATE	AMOUNT
PARTNERS:			
James Dugan	176.50	795.00	\$140,317.50
ASSOCIATES:			
Douglas Plymale, PhD	5.50	\$695.00	\$3,822.50
STAFF ATTORNEYS:			
David Franco	104.60	\$395.00	\$41,317.00
Chad Primeaux	7.30	\$395.00	\$2,883.50
TOTALS:	293.90		\$188,340.50

EXHIBIT 2

**IN RE: NATIONAL FOOTBALL LEAGUE PLAYERS' CONCUSSION INJURY
LITIGATION**

No. 12-md-2323-AB

Dugan Law Firm

Exhibit 2

COST AND EXPENSE REPORT

Inception through July 15, 2016

NUMBER	CATEGORY	AMOUNT
1	Assessments	100,000.00
2	Commercial Copies	390.77
3	Computerized Research	341.21
4	Court Reporters/Transcripts	
5	Expert Services	
6	Facsimile	
7	Filing & Service Fees	350.00
8	In-House Copies	
9	Long Distance Telephone	
10	Postage/Express Delivery	14.08
11	Travel/Meals/Lodging	17,761.12
12	Miscellaneous	22.98
TOTAL EXPENSES		118,880.16

EXHIBIT 3

THE DUGAN LAW FIRM, APLC
One Canal Place, 365 Canal Street, Suite 1000
New Orleans, Louisiana 70130
Ph (504) 648-0180 | Fax (504) 648-0181

JAMES R. DUGAN, II, Esq.
Email: jdugan@dugan-lawfirm.com

James R. Dugan, II, is the founding partner of The Dugan Law Firm, APLC. Mr. Dugan began his career working with the late Wendell H. Gauthier and the Law Firm of Gauthier, Downing, LaBarre, Beiser & Dean in the areas of class action, mass tort, and complex litigation, beginning with the seminal class action lawsuit filed against the tobacco industry on the basis of nicotine addiction, *Castano v. American Tobacco, et al.* which resulted in a multi-billion settlement. After Mr. Gauthier's untimely death in December of 2001, Mr. Dugan formed the Dugan & Browne Law Firm, the predecessor to The Dugan Law Firm and he continues to specialize in class action and mass tort litigation.

Over the years, Mr. Dugan has specialized in the area of complex litigation representing numerous consumers and third party-payors, including Blue Cross of Louisiana and other health insurers in cases against the manufacturers of Synthroid, Fen-Phen, Rezulin, Neurontin, Vioxx, Zyprexa, Bextra/Celebrex, Oxycontin, Ketek, Effexor, Prograf, Skelaxin, Nexium, and Suboxone. Mr. Dugan also represented the Louisiana Attorney General in the Synthroid, Baycol, Rezulin, Vioxx, and Ketek litigations to recoup medical costs the state Medicaid program expended over these drugs.

As a result of his demonstrated skill and experience in class action and mass tort practice, Mr. Dugan has been appointed by the court to serve in key leadership positions in a number of large national federal court class action cases including:

1. **In Re: Synthroid Marketing Litigation, (MDL No. 1182)** (1997-2004) USDC for the Northern District of Illinois, Eastern Division, Judge Elaine E. Bucklo. Co-Lead Counsel for a class of third party-payors. Settlement: \$45,000,000.00
2. **In Re: Diet Drugs Litigation, (MDL No. 1203)** (1997-2002) USDC for the Eastern District of Pennsylvania, Judge Lewis C. Bechtle. Co-Lead Counsel for a large group of individually represented third-party payors. Settlement: \$35,000,000.00
3. **In Re: Propulsid Litigation, (MDL No. 1355)** (2000-Present) USDC for the Eastern District of Louisiana, Judge Eldon Fallon. Member: Plaintiffs' Steering Committee. Settlement: \$90,000,000.00
4. **In Re: Rezulin Products Liability Litigation, (MDL No. 1348)** (2000-2008) USDC for the Southern District of New York, Judge Lewis A. Kaplan. Mr. Dugan was appointed by the court as Liaison Counsel to a class of Health Benefit Providers. Settlement: \$22,500,000.00
5. **In Re: Industrial Life Insurance Litigation, (MDL No. 1371)** (2000-2007) USDC for the Eastern District of Louisiana, Judge Martin L.C. Feldman, presiding. Member: Plaintiffs' Executive Committee. Settlement: \$50,000,000.00
6. **In Re: Inter-Op Hip Prosthesis Product Liability Litigation, (MDL No. 1401)** (2001-2008) USDC for the Northern District of Ohio, Eastern Division, Judge Kathleen O'Malley. Member: Plaintiffs' Steering Committee. Settlement: \$1,200,000,000.00
7. **In Re: Baycol Products Liability Litigation, (MDL No. 1431)** (2001-2007) USDC for the District of Minnesota, Judge Michael Davis. Member: Plaintiffs' Steering Committee. Settlement: 1,000,000,000.00
8. **In Re: Meridia Products Liability Litigation, (MDL No. 1481)** (2002-2006) USDC for the Northern District of Ohio, Judge James S. Gwin. Member: Plaintiffs' Steering Committee.
9. **In Re: Serzone Products Liability Litigation, (MDL No. 1477)** (2002-2007) USDC for the Southern District of West Virginia, Judge Joseph R. Goodwin. Member: Plaintiffs' Steering Committee. Settlement: \$90,000,000.00
10. **In Re: Neurontin Marketing & Sales Practices Litigation, (MDL No. 1629)** (2004-Present) USDC for the District of Massachusetts, Judge Patti B. Saris. Member: Plaintiffs' Steering Committee. Settlement: \$325,000,000.00
11. **In Re: Vioxx Products Liability Litigation, (MDL No. 1657)** (2005-Present) USDC for the Eastern District of Louisiana, Judge Fallon, Magistrate Judge Knowles. Member: Co-Chair Purchase Claims Committee. Settlement: \$80,000,000.00
12. **In Re: Zyprexa Marketing and Sales Practices Litigation, (MDL No. 1596)** (2005-Present) USDC for the Eastern District of New York, Judge Weinstein and Magistrate Judge Chrein. Member: Co-Lead Counsel for the Purchase Claims. Settlement: \$4,500,000.00

13. **In Re: Bextra and Celebrex Marketing and Sales Practices and Products Liability Litigation, (MDL No. 1699)** (2006-2010) USDC for the Northern District of California, Judge Breyer. Member: Purchase Claims Committee. Settlement: \$89,000,000.00
14. **In Re: Fosamax Product Liability Litigation, (MDL No. 1789)** (2006-Present) USDC for the Southern District of New York, Judge Keenan. Member: Plaintiffs' Steering Committee.
15. **In Re: Oxycontin Marketing and Sales Practices Litigation** (2007-2009) USDC for the Southern District of New York, Judge Koel. Co-lead counsel for third-party payors. Settlement: \$20,000,000.00
16. **In Re: Ketek Marketing and Sales Practices Litigation** (2008-Present) USDC for the Eastern District of New York, Judge Townes. Co-lead Counsel for third-party payors.
17. **In Re: Vytorin Marketing, Sales Practice, and Products Liability, (MDL No. 1938)** (2008-2010) USDC for the District of New Jersey, Judge Dennis M. Cavanaugh. Member: Plaintiffs' Steering Committee. Settlement: \$45,000,000.00
18. **In Re: Actimmune Product Liability Litigation, (08-CV-3797-MHP)** (2009-Present) USDC for the Northern District of California, Judge Marilyn H. Patel. Member: Plaintiffs' Steering Committee.
19. **In re: Light Cigarettes Marketing and Sales Practices Litigation, (MDL No. 2068)** (2009-Present) USDC for the District of Maine, Judge John Woodcock Jr. Member: Plaintiffs' Steering Committee.
20. **In Re: Celexa/Lexapro Product Liability Litigation, (MDL 2067)** (2009-Present) USDC for the District of Massachusetts, Judge Nathaniel M. Gorton. Lead Counsel for the third-party payors.
21. **In Re: Fosamax Femur Litigation, (MDL No. 2243)** (2011-Present) USDC for the District of New Jersey, Judge Joel A. Pisano. Member: Plaintiffs' Steering Committee.
22. **In Re: Effexor Antitrust Litigation** (11-CV-05590) (2011-Present) USDC for the District of New Jersey, Judge Joel A. Pisano. Member: Executive Committee for Indirect Purchasers.
23. **In Re: Prograf Antitrust Litigation, (MDL No. 2242)** (2011-Present) USDC for District of Massachusetts, Judge Rya W. Zobel. Member: Co-Lead Counsel for Indirect Purchasers.
24. **In Re: National Football Players' Concussion Injury, (MDL No. 2323)** (2012-Present), USDC for the Eastern District of Pennsylvania, Judge Anita Brody. Member: Plaintiffs' Steering Committee. Settlement: Uncapped class action settlement pending court approval.

25. **In Re: Skelaxin (Metaxalone) Antitrust Litigation, (MDL No. 2343)** (2012-Present), USDC for the Eastern District of Tennessee, Judge Curtis L. Collier. Member: Plaintiffs' Executive Committee for Indirect Purchasers. Settlement: \$4,000,000.00
26. **In Re: Pradaxa (Dabigatran Etxilate) Products Liability Litigation, (MDL No. 2385)** (2012-Present), USDC for Southern District of Illinois, Judge David R. Herndon. Member: Plaintiffs' Steering Committee. Settlement: \$650,000,000.00
27. **In Re: Nexium (Esomeprazole) Antitrust Litigation, (MDL No. 2409)** (2012-Present), USDC for the District of Massachusetts, Judge William G. Young. Member: Plaintiffs' Executive Committee for Indirect Purchasers.
28. **In Re: Fresenius Granuflo/Naturallte Dialysate Products Liability Litigation, (MDL No. 2428)** (2013-Present) USDC for the District of Massachusetts, Judge Douglas P. Woodlock. Member: Plaintiffs' Steering Committee.
29. **In Re: Suboxone (Buprenorphine Hydrochloride and Naloxone) Antitrust Litigation, (MDL No. 2445)** (2013–Present), USDC for the Eastern District of Pennsylvania, Judge Mitchell S. Goldberg. Member: Plaintiffs' Executive Committee for Indirect Purchasers.
30. **In Re: Niaspan Antitrust Litigation, (MDL No. 2460)** (2013-Present). USDC for the Eastern District of Pennsylvania, Judge Jan E. DuBois. Member: Plaintiffs' Executive Committee for Indirect Purchasers.
31. **In Re: Lidoderm Antitrust Litigation, (MDL No. 2521)** (2014-Present). USDC for the Northern District of California, Judge William H. Orrick. Member: Plaintiffs' Executive Committee for Indirect Purchasers.
32. **In Re: National Collegiate Athletic Association Student-Athlete Concussion Litigation, (MDL No. 2492)** (2014–Present), USDC for the Northern District of Illinois, Judge John Z. Lee. Member: Plaintiffs' Steering Committee. Settlement: \$75,000,000.00 class action medical monitoring settlement pending court approval.
33. **In Re: Avandia Sales & Marketing Litigation (MDL No. 1871)** (2015 – Present), USDC for the Eastern District of Pennsylvania, Judge Cynthia Rufe. Member: Co-Lead Counsel for Third-Party Payors

Mr. Dugan received his B.A. from the University of Southwestern Louisiana in Lafayette, Louisiana and his J.D. from Loyola University Law School in New Orleans, Louisiana. He is a member of the Louisiana Bar and has also been admitted to practice before a number of Federal Courts including the Eastern and Middle District's of Louisiana, Southern District of Alabama, District of Massachusetts, Eastern District of New York, United States 2nd Circuit Court of

Appeal, United States 1st Circuit of Appeal, United States 3rd Circuit Court of Appeal and United States 5th Circuit Court of Appeal. Mr. Dugan continues to be an active member in a number of well-respected legal organizations, including the Federal Bar Association, the Louisiana Association for Justice, the Orleans Parish Bar Associations and the Louisiana State and American Bar Associations. Mr. Dugan has also been named to the American Association for Justice Top 100 Trial Lawyers for the years of 2007 through 2013. Mr. Dugan currently serves on the Board of Advocates for Human Rights First. Mr. Dugan is married to Mrs. Heidi Dugan and they have two sons, James III and Jackson. Mr. Dugan also serves on the board of his sons' school, St. George Episcopal School in New Orleans.